Lan obudof

TH

July 18, 1963

Mr. Ray J. Barmelink Associate General Secretary Board of Christian Education The United Presbyterian Church Philadelphia 7, Pennsylvania

Dear Mr. Marmelink:

Thank you for sending me the copy of the letter sent to members of Congress. I think it will be most helpful and hope that others will follow this lead.

Yery truly yours,

BURKE MARSHALL Assistant Attorney General Civil Rights Division

[Incoming letter sent to Lou Oberdorfer, Slim Barrett and return]

DAY.

THE NASHVILLE TENNESSEAN

AVON CAPTER EWNS, PUBLISHER WORKING AND SUNDAN NASHVILLE I, TENNESSEE

JOHN SEIGENTHALER EDITER

July 17, 1953

Dear Burke:

There is a person in Birmingham circulating petitions in the mail across the country, calling for the impeachment of the President.

Do you know anything about him? His address is: H & H Drug & Apothecary - 920 Pike Road - Birmingham, Alabama.

Sest_

JA

Er. Burke Marshall Assistant Attorney General Department of Justice Washington 25, D. C.

P. S., I don't think he is going to be successful.

Mr. Garall D. withing and line . I. and the

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Department of Justice Markington

JL 1 7 953

MEMORANDUM TO THE ATTORNEY GENERAL

Attached is a draft of a response to Stanley Mosk, Attorney General of California, regarding possible revision of criminal identification records to remove the stigms of arrest and conviction from persons arrested in civil rights demonstrations. We have taken the matter up with the FBI and have been told that it is not feasible to make changes in their identification records to reflect the background circumstances of particular arrests. While this is undoubtedly true, I think it possible for the Department to systematize such informstion as we have of the identities of persons arrested in peaceful civil rights demonstrations and make it available to state and local authorities who wish to undertake their own program of revising their criminal identification records. The attached letter suggests this possibility to Mr. Nosk and inquires regarding the specific plans of the State of California.

Burkt Harshall
Assistant Attorney General
Civil Rights Division

THE UNITED PRESBYTERIAN CHURCH
IN THE UNITED STATES OF AMERICA
OFFICE OF THE OBJECTAL AMERICA
510 WITHERSPOON BUILDING
PHILADELPHIA 2, PENNSYLFANIA

REV. EUGENE CARSON BLAKE, D.B., STATED CLERK BEV. SAMUEL W. SHANE, B.D., AMOCIATE STATED CLERK

The deepening moral crisis in all dimensions of our common life due to the exclusion of Regroes and other minority persons from full participation has erupted into a full-scale social revolution. This is a crucial bour for the United States Congress, as for all other institutions in our land.

The time for deploring, for placing blame, for temporizing, for seeking credit, has passed. If every segment of our national life does not now assume its full responsibility for ending the discrimination and segregation affecting American citizens of color, we may find that history has left us in its dust.

Recently, the major religious bodies have gone beyond pronouncements. They have allocated proportionately large sums of money and appointed special commissions with staff and budget to bring their own institutional practices in line with their public utterances. They have recognized that only a massive assault on segregation and discrimination within their own inner structure is equal to the urgent demands of God and the events of the times.

As we seek to correct our own failures, we appeal to the legislative branch of our government in these extraordinary circumstances to accept its crucial role in rectifying the injustices of three centuries.

We do not claim to be political statesmen. But we do believe the American people are politically sophisticated enough to recognize the temptation of both political parties to try to derive political advantage from the civil rights struggle. While this temptation is understandable as normal to the noble art of politics, it is devices that our situation is not normal. It has changed drastically. There is no time for "politics as usual."

Heither party can pass effective civil rights legislation by itself. Therefore neither should attempt to claim credit if the effort is successful. But elements in either party can effectually block a major step in the solution of our nation's most vital domestic problem. If

meaningful and effective civil rights legislation is not enacted by this session of Congress in time to permit it to go on and deal with other vital issues, or if systematic efforts to make one party look "good" and the other "bed" are indulged in, irreparable damage will be done.

In times of overriding national crisis in the past both our legislative and executive branches of government have been able to put country above party. The moral dimensions of our present crisis are sharp and clear and the consequences of failure are unmistakable. We have confidence that the vast majority of our legislators can rise to the demends of the present occasion.

The hour for greatness is upon the Congress of the United States, as it is upon all of us. We pray that you will do everything in your power to enable the Congress to be equal to that hour, and to enact promptly a program of civil rights that is both effectual and enforceable.

Yours sincerely,

Sugene Carron Blake
Stated Clerk of the General Assembly

The plutus the Gaylor
The ophilus M. Taylor
Secretary of the General Council

John Coventry Smith

General Secretary Commission on Ecumenical Mission and Relations

Kenneth G. Meigh
General Secretary
Board of Mational Missions

William a Morrison

William A. Morrison General Secretary Board of Christian Education

Copies to: The Honorable John F. Kennedy
The Honorable Innion R. Johns

The Honorable Lyndon B. Johnson The Honorable Robert F. Kennedy

The Honorable Burke Murshall

The Honorable David Laurence The Honorable John A. Hannah

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July 18, 1963

Mr. Ray J. Harmelink Associate General Secretary Board of Christian Education The United Presbyterian Church Philadelphia 7, Pennsylvania

Dear Mr. Harmelink:

Thank you for sending me the copy of the letter sent to members of Congress. I think it will be most helpful and hope that others will follow this less.

Yesy tsuly yours,

BERKE MARSHALL Assistant Attorney General Civil Rights Division

[Incoming letter sent to Lou Oberdorfer, Slim Barrett and return]

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Miss.

July 10, 1563

Tensey Clark Assistant Attorney General Lands Division

Durke Farshall Assistant Attorney General Civil Rights Division

School Desegregation

In accordance with our discussion on Vednesday, the following are places which will have school desegregation for the first time in September and which may involve problems:

- 1. Nobile, Alabama. I have risited this city about the schools some morths ago. Too will find a great deal of support for an orderly compliance with the order of the court. The newspaper is weak and very conservative, but will support this effort. The Superintendent of Schools is a good can. The major problem will be possible interference by Governor Wallace. A visit to the city should be planted with Bob Jansen, the United States Attorney there, who will take you to the appropriate local officials and citizens.
- 2. Dirningham, Alabama. On the whole, I think that "
 I had better deal with this one myself in view of the personal background with a number of the people in Birmingham.
- deal of material on Paton Rouge which is attached. You should look at the material before going down there. Frank Dumbaugh of my Division should go with you. I do not have any firm feeling at the noment of how things will go in Daton Louge, but there will be a good deal of support, including the newspapers, for orderly couplished. The problem will be the attitude of the state government.
- 4. Savennsh, Georgia. The United States Attorney here, Don Fraser, is a good man. The Rayor, Malcolm MacLean, is first rate, is a friend of mine, and will make every effort. The Governor is also outstanding. I would think

there would be no problem in Savannah except for the tensions and enotions created by the current denomatestions. The first person to see in Savannah would be the Nayor. Defore you go there I should call him and tell him you are coning.

S. Albany, Georgia. The Mayor, Asa D. Relley, is friendly to us. The Chief of Police, Laurie fritchett, is quite a remarkable law enforcement official. Those two new will want an orderly coupliance. The Mayor is not strong, but Pritchett is. The United States Attorney is not good. The first people to see are the Kayor and the Chief. Before you go there I should call them. Albany has been the scene of a great deal of recial turnell since the summer of 1962.

6. Charleston, S.C. I am least imformed on this city. There have been demonstrations during the past two weeks. Terrell Gless has been active at my request in attempting to get some action by the lisyor and businessmen in Charleston to deal with them. This should provide a basis on which they will deal with their school problem as well. The Soversor will went orderly coupliance.

7. Powhatan County, Va. This is like Prince Edward County, and the problem is the possible closing of the schools. I have no entry into the county at the noment, so we will have to figure out one.

CC: The Attorney General
The Beputy Attorney Seneral

· Mise

REMORARDIN SE CARBOTOC, MARTIANS, SITESTICE

I. Accountishments

The following has been done to neet the original grie-

- A. A bi-racial committee has been appointed to deal with employment, among other things. It has four Megre nembers, all of whom were chosen by her. Eichardson and her group.
- B. A Megro interviewer is being placed in the local state caployment office.
- C. Steps are being taken so that desegregation of the local schools will be roupk to when the schools open this Fall.
- D. A charter amendment has been emacted which will require desegregation of all places of public accommodation in the town. This was objectionable to the liegro lessers because it is subject to a petition for referendum by twenty per cent of the registered voters within 40 days of its emactural (around August 10), and it is subject to being overturned by a referendum within 40 days after any petition. The Hegro leaders manted instead a city ordinance, which is not subject to review by popular vite, or voluntary action. The city ordinance was turned down because the city attorney gave an opinion that the city Council could not constitutionally enact one. The feelings are running too high for voluntary action. The fact is that the resumption of demonstrations as soon as the Guard was pulled out following the emactment of the charter amendment, and each threat of renewed demonstrations, greatly increases the chances of a successful petition and of the amendment being overturned.
- E. Although not a part of the original demands, an insue has arisen over a housing project. This has been approved by PEA, and the city appears ready to proceed with it. It will be of prinary benefit to Negro residents of Cambridge.

II. Leck of Accomplishment

The point on which no progress has been unde is that two demonstrators are in deform school because of their participation. Legal proceedings are under way on this. The natter is in the hands of the courts, and not under the control of either the city or the executive breach of the state governoest.

Persons For and Against

The reasons for demonstrations now are that the city charter amendment was objected to originally as a method of dealing with the public accommodations issue; and that the two persons are in the reform school. These reasons are peneralized into statements about lack of good faith and lack of tangible gains.

The reasons against demonstrations at this time are the following:

- A. The denonstrations are necessarily against the Entional Guard under present circumstances, not against the city officials.
- B. There is very serious danger of violence, as everyone must admit. If it breaks out, the violence could be very severe, since everyone also agrees that there are a good many firearms in the possession of both hegroes and whites in the area. This can be suppressed over a period of time by the Guard but a good many people, including Guardanes, could be hart or killed in the process.

The consequences of an outbreak of violence of this sort nationally, and in Congress, are not foreseeable.

C. The deponstrations are not directed to any end that can be accomplished. As a practical matter, the charter amendment is the only present way in which the public accomposations

inspe will be dealt with. Also as a practical matter, this cannot have any affect on the pract conteness given to the two parsons in reform school.

plishing any particular goal at this time, but there is no question — and it should be recognized — that each demonstration and cach threat of a demonstration increases the chance that the charter amendment will be over-turned.

IV. Puture Frebiens

- 1. The chances are high now that there will be a petition and a referendum and that the charter attendment will be over-turned any way. So one can give any guarantee that this will not happen. Hrs. Richardson and other leaders are going to have to recognize this in any statuents nade.
- 2. There is not in sight any specifically tangible event to which the Negro icaderskip can point in calling off denonstrations. Accordingly, there is a chance that an effort to call then off will be obsuccessful and that the Regro Icaderahip will be further fragmented.
- 3. The experience over the weekend shows, as his been true is the past, that the Begro commanity does not follow the leadership in terms of non-violence or in demonstrations. Accordingly, the chances of incidents are high any way, wholly apart from the fact that there is no control at all over the whites whe are apt to resort to violence.

The Peterac Institute, Inc. 1501 18th Street, H. M. Washington 36, D. C. Mational Labor Service American Jewish Constitute 165 East 56th Street New York 22, New York

PROPOSALS FOR CIVIL RIGHTS ACTION BY OPGAHIZED LABOR

- 1. The AFL-CIO should immediately establish a special task force of ranking officers and staff representatives, whose purpose should be to establish a broad crash program to deal with all aspects of civil rights.
- 2. Similar AFL-CIO task forces should be established at the state and local level.
- 3. International unions should be requested to make similar high-level assignment of those responsible for action on civil rights.
- AFL-CIO, as well as by the key international unions involved. AFL-CIO task forces should encourage these unions to meet with state and city human relations commissions, with the leaders of the Negro protest organizations and with interracial groups of clergymen to work out specific action programs to end restrictive practices. Prompt action is needed to accomplish this before protest picket lines and demonstrations create increasing friction between Negro and labor groups.
- There is need for an immediate allocation of additional financial and staff resources for the AFL-CIO civil rights department. The number of cities, such as Baltimore, Los Angeles, and Detroit, where protest arganizations have already served ultimatum notices of pending demonstrations is merely symptomatic of the growing need for adequate staff with proper background and direction to undertake the type of negotiation that will resolve these situations. In addition, the major international unions should be urged to augment or create civil rights staffs to work in coordination with the

AFL-CIO civil rights department.

With regard specifically to minority group access to apprenticeships, every effort must be made to expand the type of coordinate community program initiated by organized labor in California and now beginning in New York City, the District of Columbia, and Chicago. These programs should include widely disseminated information on available apprenticeships and means of entering them, sixed specifically at the involvement of increasing numbers of minority apprentices. Where appropriate, apprenticeship standards should be reviewed, the number of apprentices should be enlarged, and assistance from the appropriate governmental agencies should be obtained. The need for follow-up procedures to insure fair and proper consideration of minority apprenticeship candidates is basic to this program.

A Conference of National Association of State Apprenticeship Directors in Washington, D. C., early this year, insisted that the United States needs one million apprentices. President C. J. Haggerty of the AFL-CIO Building and Construction Trades Department told the conference that the figure was "probably an understatement, rather than an exaggeration, of the need," and arged the Government to require successful bidders on public works projects to employ a specified ratio of apprentices to journeymen, with apprentices chosen on a non-discriminatory basis. This could be accomplished if President Kennedy would insert a new clause in all Federal contracts calling for the number thring of at least one apprentice or trainee for every five journeymen, and that these apprentices be chosen without discrimination. This could be done under Executive Order 10925 which already provides that The contractor will take affirmative action to ensure that applicants are employed, and that employes are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include but shall not be limited to ... selection for training, including apprentice-

- A national conference of ranking union officers and civil rights organization leaders should be convened at once under the initiative of President George Heany of the AFI-CIO. The primary purpose of this conference is to evaluate civil rights issues and problems and to review progress being made.
- 8. Because of the many minority workers engaged in marginal and low-paying occupations, a major review of the Fair Labor Standards Act and the Walsh-Healey Act assumes major importance. Here, the need for extended coverage and improved standards is seen in its most important light.
- 9. The objectives of the Mational Empower Development and Training Act and the Vocational Education Program must be supported with adequate financial and technical resources. Labor support for this type of training as part of a national manpower policy should make clear the importance of these programs for minority groups and should urge broad programming, free from the technical restriction of so-called "available jobs", which has often been used to limit the number of Megro trainess.
- 10. At the state and local level, fair employment practices laws in many cases meed strengthening. Organized labor, which was an important champion of these laws when they were first passed, should now exert its leadership in achieving the necessary improvements. Foremost among these is authority for the state or city cosmission to initiate action on its ear without swaiting individual complaints.
- Ni. Union leadership must be sensitive to the increasing use that may be made of NIRB procedures in the area of union practice. Efforts at consultation among international union representatives and civil rights organizations should be encouraged in order to avoid unnecessary NIRB actions.
- 12. Organised labor at every level should take the imitiative in insisting that

Federal funds not be used to maintain discriminatory or segregated services, such as now exist in some state employment service activities and other governmental activities.

- 13. The labor movement should invite the cooperation of the Negro protest organisations, as well as Puerto Rican and Mexican-American groups, in a drive to organize the unorganized, particularly in the most exploited trades in which a very large proportion of Negro and other minority group workers are exployed. (This was done successfully in relation to hospital workers in New York.) This should be done in recognition of the fact that many of the present minority group protest activities are offering the only available outlet and organization for the deprivations of unorganized workers. This is as true for workers in large industrial cities of the North as it is for those in the Scuth. No one is in a better position to give recognition to the needs of such protest groups than organized labor.
- The AFL-CIO, its constituent bodies, and the major international unions have a great opportunity and responsibility as well to assist in the Magro voter registration drive now going forward in the South. The Voter Education Project should have both major financial support and staff and erganizational assistance from every segment of the labor movement. The responsibility of COPE is particularly great.
- 15. A major concern of each international union should be to insure the inclusion of capable minority trade union leaders in high policy-making positions.

 There is no greater challenge nor greater opportunity confronting this country's international unions.
- 16. Finally, the AFL-CIO, its constituent bodies, and the major international

unions must identify their organizations and resources in joint action with eivic and church groups in the broad struggle not only to enlarge employment opportunities, but also to create democratic patterns in housing, school practices, public accommodations, and in the health, welfare, and recreational facilities of every community.

Form No. CVR-1 (Ed. 12-17-57) Miga

From

ASSISTANT ATTORNEY GENERAL CIVIL RIGHTS DIVISION

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to

Official indicated below by check mark

The Attorney General		MEMORANDUM
The Deputy Attorney General .		المعاج ومواد فيهوا الموادرة الرازان
The Solicitor General		July 19, 1963
Assistant Attorney General, Antitrust	<u> </u>	Lou Oberdorfer:
Assistant Attorney General, Tax	12	
Assistant Attorney General, Civil	<u> </u>	Do you have any info on this? Mould you call
Assistant Attorney General, Lands	—	Harry? I should answer the
Assistant Attorney General, Criminal	<u> </u>	letter.
Assistant Attorney General, Legal Counsel	1_	•
Assistant Attorney General, Alien Property	<u> </u>	
Assistant Attorney General, Internal Security		••
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Director, F.B.L.	1_	<u>,</u>
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Parole Board	ļ	A. S. S.
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Executive Assistant to the Attorney General		
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DEPARTMENT OF JUSTICE

DATE: July 22, 1963

Memorandum

ro : Surke Marshall

Assistant Attorney General Civil Rights Division

FROM: Harold M. Greene Chief, Appeals and Research Section

SUBJECT: Reapportionment cases

Mr. Alfred Scanlan, counsel in the Maryland reapportionment case, called me to apprise me of the results of a meeting which counsel in the Maryland, Virginia, new York and Alabama cases held today. Plaintiffs in these four cases will argue for the strict population principle in both houses of their respective legislatures

Mr. Scanlan thin , that as far as the Maryland case is concerned, he may leave some room for maneuver. Counsel in the Virginia case particularly, but apparently also some of the others, were concerned about the Government's position. They expressed the strong feeling that they hoped any brief to be filed by the Government would not undercut their "one man, one vote" position.

I told Mr. Scanlan that I would pass this information along.

July 22nd, 163.

Dear Mr. Kershell:-

Please allow me to use our occasional meetings in Alabama in an effort to get the ear of the President.

Southerners who hold uncrthodox views on the race question are afflicted with chronic despair. Some have martyr-complexes, the others are genuine marker martyrs. It is one of the latter that I am writing you about -- Zr. Clifford J. Durr, an attorney here in Hontgomery.

First a little background. Mr. Durr is a native Alabamian who learned traditional Southern attitudes during his authors childhood. He was a bright student and was chosen a Rhodes scholar in 1918. Upon return he practiced law in Birmingham for a time before going to Washington as a New Deal government official in the Thirties. He eventually become general counsel of the Reconstruction Finance Corporation and did work for the Defense Plant Corporation before his appointment to the Federal Communications Cormission in 1941. His work on the FCC is a matter of record, his chief accomplishment being the establishment of the principle of educational television and radio.

In 1946 President Trumen offered him responsionent, which he turned down on the grounds that he could not conscientiously administer the President's newly-imposed Loyalty Oath. In a personal conversation with Mr. Durr, the President admitted that he regarded the loyalty bath as an odious device, but "I had to do something to take the ball away from that son-of-s-bitch Pernell Thomas."

After leaving the Government, Mr. Durr was ill for several years with a chronic back condition, but he eventually returned to Montgomery to set up law practice.

In 1954 Senster Eastland called Krs. Durr before him a subcommittee of the Senste internal security committee at New D Orleans. It is significant that every other senstor on the subcommittee found a convenient reason not to attend. It is also significant that Mrs. Durr was the sister-in-law of Justice Hugo Eleck, who was delivering opinions which very much troubled Senator Eastland.

The manifest chief witness at this hearing was one Paul Crouch, who testified essentially that Mrs. Roosevelt would amuggle the cabinet secrets to Mrs. Durr, who would pass them on to the Russigen embassy. The Durrs did not have the resources to carry on the kind of investigation mamon which eventually completely discredited Crouch as a cont credible witness. However, Mr. Durr did take the witness stand, categorically denied every statement made by Crouch, and then suggested that since one or the other was obviously lying, a perjury prosecution manual would be in order. Mone was forthcoming.

Crouch subsequently died in Hawaii and it is a real irony that one of imm the men whom he had "exposed" kept him in food and medicine during his lest termented days. This part of the story is unknown in Kontgomery, where the Durrs are subjected to such petty campaigns of willification that their 13-year-old daughter cannot attend the public schools.

I have known Mr. Durr only for the pest four years, but I can say this about him:

civil liberties case involving racial overtones. For instance, he defended a white college professor and a group of students charged with "conduct calculated to provoke a breach of the peace," the conduct being having lunch with a group of Regroes in the private dining room of a case. More recently, he defended a young white student who has been a leader in racial equality movaments who had been arrested for vagrancy on the orders of no less than Gov. Wallace. Although he was arrested without warrant, one was later supplied by a police officer. The manual complaint charged him main with "strolling stout in an idle ranner" on the campus of the college from which he had recently graduated. College authorities did not make the complaint.

the case of a Negro involved in an mast offense against a white man. He has brought a number of civil rights cases involving police brutelity and, while he has never me won one, the very fact that a suit high-handedness in Montgomery.

-- While he is not provocative or ostentatious -- he's actually cuite the opposite -- he is probably the only white lawyer in Kontgomery who would be shake hands with a Negro in a public place.

In short, his plain and simple decency has robbed him of his rightful respect and has made it very near impossible to make a living.

The question is now, will the idministration, by inection, join the mob which has set upon him.

You cannot imagine how maddening it is to see Mr. Durr's talents going to waste while a man like Walter P. Gewin sits upon the flavoure U. S. Court of Appeals -- put there by the President. There now exists a serious danger that the fine work of the Pifth Circuit is about to be sabotoged and you must admit that the last two appointments have done much to bring this situation about.

It is my understanding that the judges of the Fifth Circuit have voted to ask the Judicial Conference which meets in September to recommend to Congress the creation of four additional judgships in the circuit. Surely it is not asking too much that Mr. Durr at least be considered for one of these appointments. Perhaps the strongest argument that could be made in his behalf is the absolute certainty that you would not be getting another Cameron or Gewin or even

I am fully aware of the political exigencies involved in such appointments. But if the President expects to set an exemple of courageous leadership for Southerners in the racial conflict, then he must act manage courageously himself. Appointment of Kr. Durr to the Federal bench would be just made such a courageous act.

This failing, would it be possible to consider him for membership when a vacancy arises on the Civil Rights Commission?

If this letter sounds bitter, I readily concede that it is. But you have to admit that this is a minimum disillusioning situation. Recently Kr. Durr was defending a young fellow who had gotten into trouble for his Student Hon-Violent Coordinating Committee work. SNCC scratched up \$2,500 and hired a mighaspace high-priced lawyer from Birmingham who took the case away from Kr. Durr. When the money ran out, so did the high-priced lawyer from Birmingham. At this point, Mr. Home Durr took the case again and, without complete complaint, got the kid out of trouble for virtually no fee at all.

I think Judge Rives of the Fifth Circuit Court of Appeals would manually join in this recommendation if you same wished to telks with him about it. This, however, is an strictly a guess.

Best wishes,

Kay Jenkins,

2026 Commodore St., Kontgomery, Als.

PS: I'll be in Weshington on Vecation toward the end of August if you would be interested in talking fur ther about this matter.

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Jerold Hoffberger, President of National Brewing Co. called:

Re: Attempt to set up a businessmen's committee ...
in Baltimore similar to those in other areas
as to the racial issue

We have been anxious to do this prior to the time trouble occurs. We feel sure that we are not far from trouble now. However, we have not been successful in convincing people in the community that this should be done. We are going to send our top men to areas where this type of connittee has been established, with a view to finding out how it was done, their modus operandi, how the lines of communication were maintained, etc.

This information will be presented to 20 or 30 key businessmen in this community in order to let them make up their minds after they have the facts. The men are getting ready to visit the places in the South where there have been recent outbreaks and where such committees karke have teen set up. It would be easier though if they had some sort of introduction to the people in the various areas who have already experienced the same problems.

If they could have the names of these people they would would be able to advise the Baltimore people as to probable pitfalls.

Mr. Hoffberger can be reached at ER. 6-1100 (Baltimore, Md.)

In addition, i.r. Hoffberger would like to send two people to Washington to discuss the above.

[Angie referred Hr. Hoffberger to us. Apparently, he is a friend of Hr. Kennedy's.]

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LAW OFFICES

RICHARD T. MARSHALL

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EL PASO, TEXAS

July 23, 1963

Hon. Burke Marshall Assistant Attorney General Civil Rights Division

Department of Justice Washington 25, D. C.

Dear Burke:

I would like to make one comment to you following Governor Connally's blast at the President's program for Civil Rights, especially the proposed Senate Bill 1732.

Governor Connally's position is self-defeating. He bases his entire argument upon the voluntary nature of desegregation now being "accomplished" in such cities as Fort Worth and San Antonio, where Bi-racial Commissions are working in the restaurant and hotel fields. The important thing to note, Burke, is that although efforts have been made for many years in these other cities of Texas, as well as in El Paso, for such voluntary adjustment to change, nobody was getting anywhere until El Paso passed a City Ordinance last year very much along the lines of Senate Bill 1732. Now with agitation for City Ordinances in Fort Worth, San Antonio, Waco and other cities, suddenly everbody is making "progress" on a voluntary plane.

I ought to know. I have been corresponding with groups in other Texas cities who are following in the footsteps of the El Paso group which worked for the Ordinance last year. A very complete article regarding what is going on in other Texas cities appeared in a recent number of "The Texas Observer", a weekly published in Austin.

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Hon. Burke Marshall Page -2July 23, 1963

Perhaps, however, the major contradiction in Governor Connally's statement is his refusal to appoint a statewide Bi-racial Commission after lauding the progress being made by such commissions in local communities.

Best of luck in your wonderful work. Again Dorothy joins with me in thanking you for your recent hospitality.

Sincer ly,

RICHARD T. MARSHALL

RTN: ng

SMITH, GARDNER, KELLEY & WIGGINS
ATTORNEYS AT LAW
Post Orrice Box 1005
ALBUMY, GEORGIA

James W. Berte B. C. Garberge, Jr. Ann D. Merrey, Jr. W. W. Wagnery, Jr.

302 FLMT AVENUE TELEFORME 636-6631

July 24, 1903

Monorable Bert Marshall Department of Justice Washington, D. C.

Dear Bert:

We represent a man by the name of Cleo E. Lovett, Reg. No. 68-EF, who is serving time at the Federal Peniten- / tiary at Tallahassee, Florida for the offense of making whiskey. Mr. Lovett has suffered a severe heart attack and has been eligible for parole for several months. I have tried to get him out through the Pardon and Parole Board.

I would appreciate it very much if there is any way that you could help us in securing the release of this man. His wife feels he is not receiving the right medical treatment. According to the doctors, his condition is being controlled by digitalis and he must be kept under close cupervision by a physician. He is not to do any labor whatsoever.

The Pardon and Parole Board passed on this case sometime in May. If you could help us we certainly would appreciate it.

Yours very truly,

ASA D. KELLEY, JR.

ADKJR: BIV



OFFICE OF COMMISSIONER LEE LOEVINGER

Assistant Attorney General Burke Marshall

Burke - Called you but was unable to eatch you in a free moment. Attached for your info is a copy of the mublic statement the FCC has issued to all broadcasting licensees on the fairness dectrine and its application to the discrimination issue. If you have any comments - on this or any other communications matter - would be happy to talk to you.

C.C.C. TABINGTON, D. C

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July 25, 1963

Richard T. Marshall, Boq. 611 First National Building Post Office Box 888 El Paso, Texas

Dear Dick:

Thank you for your letter. You might consider writing to Senator Magnuson's Conmittee, not about Governor Connally, but about the experience in El Pase.

Best regards,

Burke Marshall

>,

Mise

July 25, 1963

Mr. Ray Jenkins 2026 Commodore Street Hontgomery, Alabama

Dear Mr. Jenkins:

Thank you for your letter about Clifford Durr, when I know and greatly respect. The matter of a judgeship is of course presently academic, but we appreciate your views. I hope you will come to see me when you are in Washington at the end of August.

Regards, .

BUREP MARSHALL Assistant Attorney General Civil Rights Division

i-17 E. Church Street Turkojee, Alabam July 26, 1963

Hr. Burke Harshell Assistant United States Attorney General Ciril Rights Division United State Department of Justice Washington, J. C.

Dear Mr. Karahall:

The following article appears on page 1, column 7 of the July 10, 1963 issue of The Tuckegee Times:

Nodification of an injunction issued by the U. S. District Court at Kontgomery requiring the liceon County Borry of Remistrars to report to the court is asked in notion filed on behalf of Board members. U. o. Judge Frank II. Johnson, Jr., will hear the motion and. 1.

Atty. Gon. Richmon! Plowers ungen that the reasons for the issuance of the prior orders no longer exist."

His motion argued that there is now a sunctioning board which is complying "in good saith" with Johnson's instructions and that there is no longer a backlog of applicants for registration.

Halling reports to the judge, as ordered, is "an intolerable burden" on the registrons, the motion stated. Spending night hours reporting to Fill agents is the same, it was claimed.

The motion also asked that the registrars he relieved of notifying each rejected applicant by seil, because of lack of funds to pay for the postage cost. Instead it was suggested that names be posted where applicants could go to learn if they were turned down.

I feel very strongly that no modifications missiff be made in the injunction issued by the U. S. District Court at Hontgomery which requires the Macon County Board of Registrars to report to the Court. This feeling is based on my attempts to register along with some 50 other Negroes and no whites on July 15, 1963. In order to register, I had to stay at the court house in Tuskagee, Alabama from 10 A.M. to 12 noon and from 1 P.M. to 3 P.M. There were many other people when

Mr. Burks Marshall Page 2 July 26, 1963

had to stay much longer periods of time than I. By experience is registering in Earth Carolian, Illinois, and Virginia strongly support my contention that I, with training beyond a University of Chicage M. A. degree, can complete registration in a charter period of time. I can state, tihous reservations, that I could have completed the process in Tuningse in less time had I been afforded this experiently. At I sat in Tuningse, I observed that all persons who were attempting to register work lly stated their diagrantionants over the time required to a so. Although I cannot substantiate my belief, I nonstheless seel that deliberate efforts are made to make people wait so that they will become discouraged and leave before completing registration procedures. Upon completing my registration, I felt as if I had been a purisance and an observer in a three ring circus.

A second point of concern to me is the means of activing rejected applicants. The use of the sail to notify one of his passing or failing seems i postunt. Not only does in give the capturing registrant a legal actification, but it also in in leading with the best psychological principles. To print make of rejected persons is tentenant to public publication of the names of children who fail a grade in achool.

Thanks so very such for your consideration of my views on this matter. I do hope that the aforementioned injunction can be continued since Negrous right have to take several days instead of many hours to register is the federal government does not continue to use its powers in Macon County. If I can be of Auriter essistence, please feel free to contact us.

Minegrely years,

(lirs.) Ada P. Puryour

Louis f. Oberdorfer Assistant Attorney General Tox Division

July 26, 1963

St. John Barrett -Second Assistant Civil Rights Division

SJS:erg

Information regarding John satterfield and the Bar of Mississippi.

The attached folder contains arterial we have been able to locate touching on the statements and legal conduct of John Satterfield and other members of the Hississippi Ber. It includes the following:

- 1. Hews clips of public statements by Satterfield and by Sidney C. Carlton, President of the Mississippi Bar Association
- 2. The report of the General Legislative Investigating Connittee of the Mississippi Legislature, together with a press release of the Committee.
- 3. A summary of counsel's conduct is the Meredith case.
- 4. Symopeis of the action of certain local prosecuting officials in a number of voting right cases, as well as in a bas terminal desegregation case.
- 5. A tobulation of state and federal cases relating to exclusion of Regross from juries in Mississippi.

In my view this naterial is disappointing.

Best gramples of unethical practices cone from the <u>Herodita</u> case. The principal points are as follows:

(1) In both the district court and the Court of Appeals the special counsel for the Board of Trustees (Dugas Shands, · Assistant Attorney General, and Charles Clark) repeatedly

cc: Recorda

/Mr. Marahall Mr. Oberderfer (extra copy) Mr.Barrett urged that the University did not exclude Megroes; that xississippi had no policy of maintaining institutions of higher learning on a segregated basis. The Court of Appeals, however, took judicial notice that the exact opposite was fact and commented that the "case was tried below and argued here in the earie atmosphere of nevernever land." Meredith v. Fair, 298 F. 24 696-701 (CA 5, 1962). [It should be noted, however, that District Judge wire found in favor of the defendants on this incredible assertion of fact. 199 F. Supp. 754.]

(2) On September 20, 1962, the day on which Heredith was scheduled to enroll in the University, attorneys Ton M. Wathins and R. B. Mentgonery filed as injunction suit as behalf of the Governor in the Chancery Court of Lafayette County to restrain Meredith from entering the University. In this complaint, which was verified by Governor Barnett, a factual position exactly opposite to that arged in federal court was taken. The complaint alleged that "the University of Kississippi is an educational institution ... for members of the white race." It further alleged that "it is against the public policy of the State of Mississippi, so well as its laws, for any colored person to be admitted as a student to said institution and his [Reredith's] enrollment and entry therein would be in direct violation of the laws of the State of Mississippi." On the basis of this allegation an ex parte order was issued by the state court empiring Meredith from enrolling. A similar complaint was filed with, and an ex parte order obtained from, the Chancery Court of Hinds County on the same day. The Hinds County complaint was signed by Watkins, Montgomery, Barnett and State Attorney General John T. Patterson. A third complaint was filed and or perte order obtained by Barnett and his attorneys on Deptember 20 from the Minds County Chancery Court enjoining the Board of Truetees from admitting Meredith. All of these orders west not only directly into the tooth of the federal court eriers but were obtained without notice or bearing and were based upon sworn statements of fact dissetrically opposed to statements urged noon the federal courts by counsel for the state.

(3) Private counsel indulged in the same tactics as did counsel for the state. On September 19, 1942, Harvey H., Hutchins, an atterney practicing in long Beach, Mississippi and acting an behalf of a number of parents of University students, applied for and obtained as exparte order from the Chancery Court of Jones County, Mississippi, restraining the Board of Trustees from excelling Meredith, restraining the Board of Trustees from excelling Meredith, restraining Meredith from excelling and restraining various officials of the Executive Breach of the Pederal Government (including the Attorney General) from doing anything to facilitate Meredith's excellment. This suit was removed to federal court by the United States and dississed.

(4) Prosecuting officials of both Rinds County and Lafayette County sought to use state criminal process to prevent Meredith's enrollment. On May 28, 1962, Binds County Attorney Paul G. Alexander instituted procecution of Meredith for fairely registering to vote in Hinds County. The Court of Appeals for the Fifth Circuit, in protecting Meredith in his right to enroll at the Daiversity, esjoined this state presecution, to ing it "frivolous." Meredith v. Pair, 305 P. 24 343. 355-56 (1962). As the time for Heredith's essellment closer, Alexander instituted another prosecution of Heredith on September 14, 1962. This prosecution was for "perjusy" but was based upon exactly the some facts as the earlier presecution. On the morning of September 20, 1962, after giving burried telephone motice to Mesedith's attorney, Mr. Alexander brought on for trial the charge against Reredith of false registration. Resedith was convicted in absentia and sentenced to one year in jail and to a fine of \$300. The Fifth Circuit Court of Appeals thereupon restrained execution of the sentence. The same day the Mississippi Legislature passed, and the Governor signed, a bill making it a eriminal offence for anyone charged with a felony (such as the "perjusy" charge filed by Alexander on September 10 to attend an institution of higher learning. Later the same day a prosecution was instituted in Lafayette County and a versent of arrest was issued against Reradith for violating the newly-exacted statute. The prosecution was enjoined by the federal court.

(5) In the contempt proceedings in the Court of Appeals against Gevernor Barnet Mr. Satterfield sought to represent the Governor's interest on the merits without entering an appearance on behalf of the Governor and thus conceding jurisdiction over the Governor's person. In an apparent effort to determine whether the Governor had actual motion of the outstanding court orders, members of the court asked Satterfield whether he had discussed the case with the Governor. After some evasion interfield denied that he had had such discussions with the Governor. Chief Judge Tuttle emphatically expressed his disbelief of Mr. Satterfield. Mr. Satterfield insisted on his right to appear for the State of Mississippi as saicus for the Governor. The court dealed him the right to speak for the Governor without stating to the court that he was authorized to represent him.

In some of the above statements I am drawing upon my own memory and they should be verified before actually being used. The exchange between Judge Tuttle and Mr. Satterfield is in a volume of the transcript not presently available to us and hence has not been checked.

If you think it worthwhile we can set forth the Reredith case story as above outlined in more details and better form.

Por your information I am also attaching a recent news article regarding Paraett's designation of Satterfield as chairman of a "nationwide offert to kill the Econody administration civil rights bill."

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uku Gearen-wett, min. Mr. John Doan
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ADDRESS 1100 COESCENT AVE. OL S. ATLANTA 8. 6E0964A

ABSOCIATION

Jan 30, 1963

SECUL DELICE!

Lengthent of Justice Civil Rights Division Washington, D. C.

Attention: Nr. Durke Parshall

Gentlemens

Our Teenare Village which is commissed of some 150 teenagers have chosen as their project for the next few weeks Civil Rights Legislation. They are to have a look imial of the cases now hadore the Supreme Court with regard to the Givil Birbts former.

he would a meet to very much if you would be so kind as to formerd to us by the suickest method any material you have in support of the Civil Lights legislation. If you have a transcript of the recommendations of the Attorney Report to the Senate Cormittee confidering the Fill, this would were adopted or any other materials that you may have that would explain the Fill and Prospective giving all of the tackground materials. Our carriers plan to study the Bill from all possible information available to them.

We will be more than harry to forward to you our check to cover any cost involved in forwarding the above materials to us as soon as possible, as we are starting on this project this week.

Manking you in a vance for your prompt attention and cooperation, We are

Most sincerely,

Herman and Harry Popisin, & meers

Enc. - Story of Fine Star

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piect vill to

Cr. Jaces H. Dillien, President Construction Men's Association 249 West Broadway New York, New York

Dear Mr. Dillions

It was with a great deal of satisfaction that I real your letter to the Attorney Ceneral describing the steps your organization has taken to promote equal job opportunities for your Negro sembers. The elimination of racial discrimination is all aspects of our society is not only demanded by the ideals of our Constitution but is also essential to our economic well-being.

I sincerely hope that the job opportunities of none of your aeabers will in any way be lessened because of the equal opportunity policy of your organization. I note from your letter that the contractors with whom you deal are "equal opportunity employers" and therefore presume that they perform work under federal contract. I am sure that if any discrimination should occur against any of your members, the President's Committee on Equal Job Opportunity would take remedial action. For the information of that Committee, I am sending them a copy of your letter. I would also remind you that the New York State Commission on Human Relations is authorized to deal with discrimination in biring that occurs in New York even though the employment is out-

Sincerely,

BURER MARSHALL
Assistant Attorney General
Civil Rights Division

Mr. Marshall

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THE OFFICE OF THE DEPUTY ATTORNEY GENERAL

		REMARKS:				
ATTORNEY GENERAL		July 31, 1963				
EXECUTIVE ASSISTANT		July 31, 1963				
OFFICE OF PUBLIC	NFORMATION					
DEPUTY ATTORNEY GENERAL		To: Mr. Burke Marshall				
EXECUTIVE OFFICE-U. S. ATTORNEYS		Assistant Attorney General Civil Rights Division				
EXECUTIVE OFFICE	-U. S. MARSHALS	CIVII RIGHES DIVISION				
SOLICITOR GENERAL						
ADMINISTRATIVE DIVISION		We attended the Federal Bar luncheon yesterday and noted that you mentioned certain projects				
						ANTITRUST DIVISION
CIVIL DIVISION		and suggested that if we wanted				
CIVIL RIGHTS DIVISION		further information we could contact you. The purpose of this memorandum is to offer our services				
CRIMINAL DIVISION						
INTERNAL SECURITY DIVISION		along the lines that you mentioned				
		in your speech and to request any				
TAX DIVISION		further information you may have in this connection.				
OFFICE OF LEGAL COU	NSEL.					
OFFICE OF ALIEN PROF		We are both attorneys, assigned				
BUREAU OF PRISONS		to the Office of the Deputy Attorney General, and we have both had				
FEDERAL PRISON INDUST	RIES. INC.	training in education as well as				
FEDERAL BUREAU OF 1	•	some teaching experience.				
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Den Mr Marchell,

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THE ABSOCIATE ACTIONS AND MIT STES OF AMERICA & APPRIMITED THE REPLANCING.

AGVP American Guild of Variety Artists

UNITED STATES AND CANADA

ISI FIFTH AVENUE

NEW YORK IT, M. Y.

TN 7-540

August 2, 1963

Mr. Burks Marshell Department of Justice Washington, B. C.

Door Mr. Marshalls

Enclosed is a copy of the AGVA News which tells the true story of The American Guild of Variety Artists. I hope you enjoy it as much as we enjoy fighting for these freedoms.

Now, in these tring times, we need a friend more than ever-

Please let me know your reaction to the AGVA story.

All my boot.

*J*4/==

JOST MANS, Provident AMERICAN GUILD OF VARIETY ARXISTS

File Lines. Just